

Application No. 09/900,623
Amdt. Dated 08/13/2004
Reply to Office Action of 06/17/04

REMARKS

Claim 17 has been amended to recite "an edge of said strip material", since there was insufficient antecedent basis for the previous wording "said edge of said strip material". Applicant believes that the Examiner was referring to line 9 of Claim 17 rather than line 2.

The Office Action Summary indicated that Claims 9 and 17 were rejected and that Claims 10, 18 and 19 were objected to. However, the Detailed Action indicates that Claims 9, 10 and 17 were rejected under 35 U.S.C. §103(a). Since Claim 10 is indicated as "objected to" in the Office Action Summary and indicated as rejected in the Detailed Action, Applicant assumes that the Examiner's intention was to reject Claim 10 for the reasons stated in the Detailed Action.

Claim Rejections - 35 U.S.C. §103

Claims 9, 10 and 17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Wood et al. (6,392,681 B1) in view of Terrell, Jr. et al. (U.S. 5,473,984). Applicant wishes to point out that Wood et al. is owned by the same party as Applicant's assignee, i.e., Gerber Scientific Products, Inc. The previous Office Action in the subject application dated October 4, 2002, rejected all of the original claims under 35 U.S.C. §102(e) as being anticipated by Wood et al. (6,392,681 B1). (Wood was filed April 8, 1999 and issued May 21, 2002, whereas the present application was filed July 6, 2001 before Wood issued.)

The present Office Action rejects independent Claims 9, 10, 17 under 35 U.S.C. as being unpatentable over Wood in view of Terrell, Jr.

Effective November 29, 1999, subject matter which was prior art under former 35 U.S.C. §103 via 35 U.S.C. §102(e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention "were, at the time the invention was made, owned by the same person or subject to an obligation to the same person". (MPEP 706.02(k))

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Applicant submits that Wood is disqualified as prior art for this rejection under 35 U.S.C. §103 via 35 U.S.C. §102(e), and respectfully requests that the Examiner withdraw the rejection and pass the case to issue.

Provisional Response to Claim Rejection under 35 U.S.C. §103

Applicant submits that even if Wood were permissible prior art against the claimed invention, Claims 9, 10 and 17 are not obvious over Wood in view of Terrell for the following reasons.

Wood et al. is directed to a method and apparatus for alignment of sheet material for printing or performing other work operations thereon. The present CIP application includes disclosure of material not present in Wood et al., directed to the preferred mechanism in the thermal printhead assembly for adjusting the angle at which the printing elements approach the work surface. (See paragraphs [0167] through [0175] of the present application and FIGS. 19C - 19F).

Terrell discloses an adjustable printhead-carrying yoke for a printer which permits dynamic adjusting of the printhead's fore and aft and skew positions. There is a fixed yoke portion carried by the printer and a movable yoke portion carrying the printhead. There is also fore and aft adjusting apparatus for moving the movable yoke portion thereby adjusting the printhead's fore and aft position while the printhead is printing and skew adjusting apparatus for moving the movable yoke portion thereby adjusting the printhead's skew while the printhead is printing.

Terrell does not disclose a pin for removably securing a printhead assembly to a printhead support structure, nor does he show cams cooperating with such a pin nor does he show set screws engaging such a pin.

With respect to Claim 9, Wood in view of Terrell do not show a pin removably securing a printhead assembly to a printhead support structure, where the same pin also is engaged by a set screw that acts to change the angular adjustment. With respect to Claim 7, Wood in view of Terrell do not show cams cooperating with a removable pin that secures the printhead to the printhead support structure.

Because remaining rejected Claims 10, 18 and 19 depend from the independent claims 9 or 17, these dependent claims should also be allowable.

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Since all of the Examiner's objections have been addressed, it appears that the case is in condition for allowance and such action is respectfully solicited.

Respectfully submitted,

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